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UNITED STATES OF AMERICA

UNITED STATES DISTRICT COURT
FOR THE CENTRAL DISTRICT OF CALIFORNIA
EASTERN DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

v.

\$77,535.00 in U.S. CURRENCY

Defendant.

No. EDCV 16-00545-RGK(KKx)

CONSENT JUDGMENT

This action was filed on March 24, 2016 against the defendant \$77,535.00 in U.S. Currency (“defendant currency”). Jaime Ernesto Martinez (“Martinez”), from whom the defendant currency was seized, claims an interest in the defendant currency, but has not filed a claim or answered the complaint. No person other than Martinez is believed to have an interest therein. Notice has been given and published in accordance with law. No other claims or answers have been filed, and the time for filing such statements of interest and answers has expired. Plaintiff United States of America and Martinez have reached an agreement that is dispositive of the action, and have requested that this

1 consent judgment be entered. Nothing in this consent judgment is intended or should be
2 interpreted as an admission of wrongdoing by Martinez.

3 WHEREFORE, IT IS ORDERED, ADJUDGED AND DECREED:

4 A. This Court has jurisdiction over this action pursuant to 28 U.S.C. §§ 1345
5 and 1355 and over the parties hereto.

6 B. The Complaint for Forfeiture states a claim for relief pursuant to 18 U.S.C.
7 § 981(a)(1)(A) and (C) and 21 U.S.C. § 881(a)(6).

8 C. Notice of this action has been given in accordance with law. All potential
9 claimants to the defendant currency other than Martinez are deemed to have admitted the
10 allegations of the Complaint. The allegations set out in the complaint are sufficient to
11 establish a basis for forfeiture.

12 D. \$70,035.00 of the defendant currency shall be and hereby is forfeited to the
13 United States of America, which shall dispose of \$70,035.00 of the defendant currency
14 in the manner required by law.

15 E. \$7,500.00 of the defendant currency shall be returned to the potential
16 claimant, Martinez.

17 F. The funds to be returned to Martinez shall, at the government's option, be
18 returned by either check or wire transfer within 60 days of the date this Judgment is
19 entered. If the United States elects to make the payment by check, the check will be
20 payable to "The Law Offices of Paul L. Gabbert Client Trust Account," and mailed to
21 Jaime Ernesto Martinez, in care of his attorney, Paul L. Gabbert, Esq., 2115 Main Street,
22 Santa Monica, California 90405. If the United States elects to make the payment by wire
23 transfer, the funds will be wire transferred to a bank account designated by Martinez.
24 Martinez agrees to provide the necessary bank account information and personal
25 identifiers upon request from the United States.

26 G. Martinez has released the United States of America, its agencies, agents,
27 officers, employees and representatives, including, without limitation, all agents,
28

1 officers, employees and representatives of the Drug Enforcement Administration and the
2 Department of Justice and their respective agencies, as well as all agents, officers,
3 employees and representatives of any state or local governmental or law enforcement
4 agency involved in the investigation or prosecution of this matter, from any and all
5 claims (including, without limitation, any petitions for remission, which Martinez hereby
6 withdraws), actions or liabilities arising out of or related to this action, including,
7 without limitation, any claim for attorney fees, costs and interest, which may be asserted
8 by or on behalf of Martinez, whether pursuant to 28 U.S.C. § 2465 or otherwise.
9 Martinez waives any rights he may have to seek remission or mitigation of the forfeiture
10 ordered herein.

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1 The Court finds that there was reasonable cause for the institution of these
2 proceedings. This Judgment shall be construed as a certificate of reasonable cause
3 pursuant to 28 U.S.C. § 2465.

4
5 Dated: 6/8/16



6 THE HONORABLE R. GARY KLAUSNER
7 UNITED STATES DISTRICT JUDGE

8 **Approved as to form and content:**

9 DATED: May , 2016

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14 CHRISTEN A. SPROULE
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Attorneys for Plaintiff
United States of America

16 DATED: May , 2016

18 PAUL L. GABBERT, ESQ.
Attorney for Potential Claimant
JAIME ERNESTO MARTINEZ

19 DATED: May , 2016

21 JAIME ERNESTO MARTINEZ
Potential Claimant